

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CONVOLVE, INC.	§	
	§	
V.	§	Civil Action No. 2:08-CV-244 (CE)
	§	
DELL INC.,	§	
WESTERN DIGITAL CORPORATION,	§	
HITACHI GLOBAL STORAGE	§	
TECHNOLOGIES, INC. and HITACHI LTD.	§	

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**July 18, 2011  
Jury Trial Day One**

**OPEN: 8:29 a.m.**

**ADJOURN: 5:11 p.m.**

ATTORNEYS FOR PLAINTIFF:	James Anderson
	Eric Albritton
	Marla Butler
	Stephen Edwards
	Tara Sharp
	Elizabeth Thomas
	Bryan Vogel

ATTORNEYS FOR DEFENDANTS:	Deron Dacus
	Eric Findlay
	Roger Fulghum
	Jeff Homrig
	Gene Schaerr
	Melissa Smith
	Kimball Anderson
	Doug Lumish
	Michael Smith
	Bruce Wessel
	David Schwarz
	Garland Kelley
	Joseph Lee
	Richard Birnholz
	Tom Werner
	Anna Halsey
	Chris Ponder

LAW CLERK:	Katrina Maher
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COURT REPORTER:	Shelly Holmes, CSR
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COURTROOM DEPUTY:	Jan Lockhart
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8:29 a.m. Court opened. Hearing outside the presence of the jury. The Court gave the parties' rulings on various motions.

8:33 a.m. Court adjourned.

8:40 a.m. Court opened. The Court gave the jury preliminary instructions.

8:56 a.m. Rule to be invoked. All witnesses in courtroom sworn.

8:58 a.m. Mr. Anderson conducted opening statement on behalf of Plaintiff.

9:40 a.m. Mr. Lumish conducted opening statement on behalf of Hitachi.

10:06 a.m. Mr. Wessel conducted opening statement on behalf of Western Digital.

10:23 a.m. Mr. Dacus conducted opening statement on behalf of Dell .

10:40 a.m. Break until 11:00 a.m..

11:04 a.m. Court reconvened. Ms. Butler called Val Di Euliis to testify. Dr. Di Euliis was sworn and examined under oath.

11:50 a.m. Bench conference held.

11:51 a.m. Ms. Butler continued her direct examination of Dr. Di Euliis.

12:05 p.m. Lunch recess.

1:39 p.m. Court reconvened. Jury returned to courtroom.

1:40 p.m. Bench conference held.

1:44 p.m. Ms. Butler continued her examination of Dr. Di Euliis

3:20 p.m. Afternoon break.

3:41 p.m. Court reconvened. Ms. Butler continued her examination of Dr. Di Euliis.

4:25 p.m. Mr. Birnholz conducted cross examination of Dr. Di Euliis.

5:11 p.m. Court adjourned.